

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NED G. SOUTHERLAND)	
)	No. 3-12-0439
v.)	
)	
CRACKER BARREL OLD COUNTRY)	
STORE, INC.)	

ORDER

By contemporaneously entered order, the Court has approved and entered the parties' proposed initial case management order, with modifications addressed at the initial case management conference held on July 18, 2012. Those modifications and other matters addressed on July 18, 2012, are as follows:

1. Plaintiff's counsel represented that the plaintiff is seeking as damages back and front pay, including loss of benefits, liquidated damages, and attorney's fees and costs. Plaintiff's counsel agreed that the plaintiff was not entitled to punitive damages or compensatory damages such as emotional distress type damages, in addition to back and front pay and benefits.¹
2. The parties will not use experts in this case.
3. The deadline for completing all written discovery and all depositions is January 2, 2013. That means that written discovery will be served in sufficient time for responses to be served by January 2, 2013.
4. The parties shall have until September 4, 2012, to file any motions to amend the pleadings.²
5. The parties shall file a joint mediation report on or before January 2, 2013.

¹ Plaintiff's counsel advised that he needed additional time to determine whether the statute of limitations barred his THRA claims and was not prepared at the initial case management conference to concede that they were barred.

² Although the Court addressed a September 3, 2012, date at the initial case management conference, September 3, 2012, is Labor Day so the deadline has been extended to September 4, 2012.

6. Any discovery motion shall be filed by January 4, 2013. Alternatively, the parties shall, by January 4, 2013, schedule a telephone conference call with the Magistrate Judge to address any discovery disputes or issues.

7. As provided in the contemporaneously entered order, the parties shall have until February 28, 2013, to file dispositive motions. Any response shall be filed within 21 days of the filing of the motion or by March 21, 2013, if the motion is filed on February 28, 2013. Any reply, if necessary, shall be filed within 14 days of the filing of the response or by April 4, 2013, if the response is filed on March 21, 2013.

No other filings in support of or in opposition to any dispositive motion shall be made except with the express permission of the Honorable Kevin H. Sharp.

No memorandum in support of or in opposition to any dispositive motion shall exceed 20 pages, and any reply shall not exceed five (5) pages.

In consultation with Judge Sharp, the parties' provision relating to motions for partial summary judgment has been deleted.

There shall be no stay of discovery before the January 2, 2013, deadline for completion of all discovery even if a dispositive motion is filed prior thereto.

In consultation with Judge Sharp's office, a jury trial is scheduled on **Tuesday, August 20, 2013, at 9:00 a.m.**, in Courtroom A-826, U.S. Courthouse, 801 Broadway, Nashville, TN. The parties estimate that the trial will last two (2) days.

A pretrial conference is also scheduled before Judge Sharp on **Monday, July 29, 2013, at 3:30 p.m.**, in Courtroom A-826.

The parties' obligations prior to the pretrial conference will be set out in an order entered closer to the trial date.

It is so ORDERED.


JULIET GRIFFIN
United States Magistrate Judge